vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6210 OF 2007

Razzak Usman Shaikh ... Petitioner

V/s.

Director
Maharashtra State Examination
Board & Ors. ... Respondents

Mr.Rajesh More for Petitioner
Mr.S.R. Nargolkar, AGP, for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 3, 2007**

P.C.:

. The petition has been filed against the order of the Labour Court and the Industrial Court rejecting the complaint. The complaint was filed under Items 1(a), (b) and 6 of Schedule IV of the MRTU & PULP Act before the Labour Court. A complaint under Item 6 of Schedule IV cannot be decided by the Labour Court in any case because it is only the Industrial Court which has jurisdiction to decide this issue. As regards Item 1(a) and (b), it was the case of the petitioner that he was employed on a temporary basis for a long period of time and that he apprehended that his services would be terminated. The Labour Court has found that the Petitioner was appointed on a leave vacancy on a temporary basis and has therefore dismissed the complaint. The Industrial Court in revision has upheld

the findings of the Labour Court. An affidavit has been filed by the respondent in reply to the petition indicating that there is no work available for the petitioner.

2. In my opinion, the orders of the Labour Court and the Industrial Court need not be interfered with as the petitioner has not made out a case under Item 1(a) and (b). The petitioner has been in service on a temporary basis and has continued in service upto today because of the interim orders of the Labour Court and the Industrial Court. In my opinion, no relief can be granted to the petitioner and hence, the petition is rejected.